

Decision Record

Determination of NEPA Adequacy (DNA) DOI-BLM-NV-010-2017-0018-DNA

2017 Geothermal Lease Parcel Subject to the Resource Management Plan for the Winnemucca District Planning Area

I have reviewed the Determination of National Environmental Policy Act Adequacy (DNA), DOI-BLM-NV-010-2017-0018-DNA, evaluating one (1) geothermal lease parcel proposed for sale on October 24, 2017. I have determined that the proposed action is in conformance with the BLM Final EIS Record of Decision and Resource Management Plan for the Winnemucca District Planning Area, approved May 21, 2015.

On the basis of the information contained in the DNA Worksheet, it has been determined that the lands nominated for geothermal leasing, which are identified on the attached parcel maps, are open for geothermal leasing, subject to the attached stipulations, and will not have environmental impacts beyond those already addressed in: Programmatic Environmental Impact Statement for Geothermal Leasing in the Western United States, Record of Decision and Resource Management Plan Amendments for Geothermal Leasing in the Western United States, December 2008; BLM Final EIS Record of Decision and Resource Management Plan for the Winnemucca District Planning Area, May 21, 2015; BLM Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region, Including the Greater Sage-grouse Sub-Regions of Idaho and Southwestern Montana, Nevada and Northeastern California, Oregon, Utah, September 2015.

It is my decision to recommend that the parcel identified in the DNA, be offered subject to the attached stipulations, for a tentatively scheduled October 24, 2017, competitive geothermal lease sale. The parcel or parts thereof, are subject to the attached site specific lease stipulations and the general lease stipulations. Parcel maps have been attached for spatial reference. Recognize that a good faith effort has been made to consult with Tribes and incorporate their concerns, as we know them, into our recommendations. Native American Consultation continues and future concerns may arise. Should future concerns become evident prior to the time of sale, HRFO will promptly notify the NSO.

AUTHORITY

- The Geothermal Steam Act of 1970, Title 30, United States Code (USC), Chapter 23, Sections 1001 et seq. (30 USC 1001 et seq.).
- 43 CFR 3200, Geothermal Resources Leasing and Operations; Final Rule, May 2, 2007.
- Energy Independence and Security Act 2007 (Public Law 110-140)
- The 2005 Energy Policy Act; The National Energy Policy, Executive Order 13212

APPEAL PROVISIONS

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to David Kampwerth, Field Manager, Humboldt River Field Office, 5100 East Winnemucca Blvd, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by §4.412(b), and any arguments the appellant wishes to make. Attached Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890.

Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.471(c), a petition for a stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied;
- 2) The likelihood of the appellant's success on the merits;
- 3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- 4) Whether the public interest favors granting the stay.

43 CFR 4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).

**Signature Page for
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/S/ David Kampwerth
Authorized Official: _____ Date: June 20, 2017
Field Manager, Humboldt River Field Office

Attachments:

- Form 1842-1
- DNA
- Parcel Worksheets
- Parcel Maps
- Parcel Information and Legal Descriptions